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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/941,077 | 08/28/2001 | Timothy A. Sullivan | 24903A | 5748 |

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

DERRINGTON, JAMES H

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| ART UNIT | PAPER NUMBER |
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1731

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,077

Applicant(s)

SULLIVAN ET AL.

Examiner

James Derrington

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Claims 7-11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a bushing system comprising a bushing body, an elongate inner screen plate having at least elongate fold therein and at least two elongate divergent surfaces on opposing sides of the fold with a plurality of holes in each divergent surface and opposing screen ends with an upper portion of each opposing end attached to an end plate of the bushing body and a lower portion of each opposing end spaced apart from the end plates wherein the screen ends have a plurality of holes, does not reasonably provide enablement for a bushing system comprising a bushing body, and opposing ends with an upper portion of each opposing end attached to an end plate of the bushing body and a lower portion of each opposing end spaced apart from the end plates. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. It is unclear how the system of claim 7 without an elongate inner screen plate having an elongate fold and least two elongate divergent surfaces on opposing sides of the fold with a plurality of holes in each divergent surface would function in the desired manner. It does not appear that the opposing ends of the screen (note elements 26) in the absence of elements 44 would be adequately supported in the bushing body.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (3,013,095) or in view of the prior art discussed in the instant specification pages 1-3, Higginbotham (6,065,310) or Sullivan et al (6,272,887).

Russell (3,013,095) discloses a member 52 for use in a glass fiber bushing system that corresponds to the instant screen member. As depicted in the drawings the element includes an elongate inner plate having an elongate fold and at least two elongate divergent surfaces on opposing sides of the fold and opposing ends that are attached to the edges of the divergent surfaces. The member 52 is conductive as shown in Fig. 6 and has a plurality of holes or orifices 59 and 62 in both the divergent side plates and opposed ends as shown in Fig. 4. With regard to claims 3, 4, 10 and 14-15 the plate is V-shaped and of ordinary skill in the would have been able to decide the angle as recited in claim 3 needed to produce the desired effect of providing glass flow mixing and intimate contact of glass and the bushing surfaces. These effects are discussed at page 2 of the specification as being known to the prior art. Additionally the specification at page 2, lines 6-25 indicates that the prior art is aware of using either V-shaped screen or W-shaped screens. Similarly Higginbotham show a W-shaped screen in Fig. 4. With regard to claims 5, 11 and 16 it would have been obvious to substitute a W-shaped screen for the V-shaped screen of Russell in view it art recognized utility as evidenced by the prior art in the instant specification and Higginbotham. With regard to claims 2, 8 and 9, Sullivan shows a mounting flange or tab 142 for screen 140. It would have been obvious to provide tabs on the instant screen plates for the art recognized

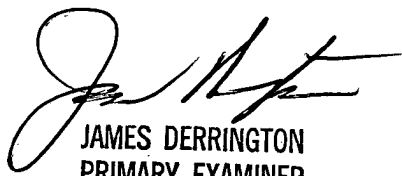
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purpose of providing an attaching means. The elements 38 of Russell qualify as tubular orifices and it is well known to use laser welding to attach metal parts together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Derrington whose telephone number is 703 308-3832. The examiner can normally be reached on 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7718 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.


JAMES DERRINGTON
PRIMARY EXAMINER
ART UNIT ~~137~~/1731

jd
April 21, 2003